

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RONELL SHAMAR NICHOLS,	:	
Plaintiff,	:	
v.	:	No. 15-cv-0527
	:	
DAVID BURNS, George W. Hill Correctional	:	
Facility Warden,	:	
CORRECTIONAL OFFICER GOKMAN,	:	
CORRECTIONAL OFFICER SABINTINO, and	:	
CORRECTIONAL OFFICER SERGEANT	:	
CLARK,	:	
Defendants.	:	

O R D E R

AND NOW, this 4th day of December, 2015, upon consideration of Defendants' Motions to Dismiss Plaintiff's Amended Complaint, ECF Nos. 21 and 38, Plaintiff's Motions to Compel Discovery, ECF Nos. 23, 32, 39, 40, and 41, Plaintiff's Motion for Leave to Amend, ECF No. 30, and Plaintiff's Motion for Appointment of Counsel, ECF No. 31, and for the reasons set forth in the Memorandum Opinion issued this date, **IT IS ORDERED** as follows:

1. Defendants' Motions to Dismiss, ECF Nos. 21 and 38, are **GRANTED**.
 - a. Plaintiff's retaliation claim is **DISMISSED with prejudice**.
 - b. Plaintiff's deliberate indifference claim is **DISMISSED without prejudice**.
 - c. Plaintiff's claims against Defendant Byrne are **DISMISSED without prejudice**.
 - d. Plaintiff's claims against Defendant Clark are **DISMISSED without prejudice**.
2. Plaintiff is permitted **LEAVE TO AMEND** his Amended Complaint with respect to his deliberate indifference claim in accordance with the accompanying Memorandum

Opinion. If Plaintiff chooses to file a second amended complaint, he must file the second amended complaint no later than **January 4, 2016.**

3. Plaintiff's Motion for Leave to Amend, ECF No. 30, is **DENIED as moot.**
4. Plaintiff's Motions to Compel Discovery, ECF Nos. 23, 32, 39, 40, and 41, are **DENIED without prejudice.**
5. Plaintiff's Motion for Appointment of Counsel, ECF No. 31, is **DENIED without prejudice.**

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge